

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ERICKSEN et al.,

Plaintiffs,

CASE NO. 16-CV-13038
HON. GEORGE CARAM STEEH

v.

UNITED STATES OF AMERICA,

Defendant.

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**ORDER DENYING PLAINTIFFS' MOTION
TO DISQUALIFY THIS JUDGE (Doc. 15)**

This Federal Tort Claims Act action brought by plaintiffs Michael Ericksen and John Doe is the second lawsuit filed by Doe arising out of the same events. In the prior *Bivens* action against defendants Customs and Border Protection officers, Doe alleged violations of his Fourth Amendment rights arising out of his arrest after marijuana and drug paraphernalia were found in the trunk of his vehicle at the United States and Canadian border at the Blue Water Bridge in Port Huron, Michigan. Based on the border search exception and the doctrine of qualified immunity, the court granted defendants' motion to dismiss. Plaintiff filed a motion for reconsideration which the court also denied. Plaintiff appealed and the Sixth Circuit affirmed. *D.E. v. Doe*, 834 F.3d 723 (6th Cir. 2016).

In the motion now before the court, plaintiffs seek to disqualify the undersigned on the sole basis that the court's dismissal order and order denying plaintiff's motion for reconsideration in the prior case suggest that the court is biased against them. Plaintiffs contend that the court's prior rulings were legally deficient. But the Sixth Circuit affirmed the court's prior rulings. Because plaintiffs have failed to show any bias that would require the undersigned to be disqualified, plaintiffs' motion for disqualification (Doc. 15) is DENIED.

IT IS SO ORDERED.

Dated: January 10, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 10, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk